

# FEDERAL REGISTER

THE NATIONAL ARCHIVES  
OF THE UNITED STATES  
1934

VOLUME 5      NUMBER 236

*Washington, Thursday, December 5, 1940*

## *The President*

### EXECUTIVE ORDER

#### ORDERING CERTAIN UNITS AND MEMBERS OF THE NATIONAL GUARD OF THE UNITED STATES INTO THE ACTIVE MILITARY SERVICE OF THE UNITED STATES

By virtue of the authority conferred upon me by Public Resolution No. 96, 76th Congress, approved August 27, 1940, and the National Defense Act of June 3, 1916, as amended (39 Stat. 166), and as Commander-in-Chief of the Army and Navy of the United States, I hereby order into the active military service of the United States, effective December 23, 1940, the following units and members of the National Guard of the United States to serve in the active military service of the United States for a period of twelve consecutive months, unless sooner relieved:

#### UNITS

All Federally recognized elements of:  
35th Division  
153d Infantry  
110th Observation Squadron

#### MEMBERS

All members, both active and inactive, of the units listed above.

All persons so ordered into the active military service of the United States are, from the effective date of this Order, relieved from duty in the National Guard of their respective States so long as they shall remain in the active military service of the United States, and during such time shall be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Army whose permanent retention in the active military service is not contemplated by law.

Commissioned officers and warrant officers appointed in the National Guard of the United States and commissioned or holding warrants in the Army of the United States, and affected by this Order, are hereby ordered to active duty under

such appointments and commissions or warrants.

All officers and warrant officers of the National Guard, appointed in the National Guard, who shall have been Federally recognized or examined and found qualified for Federal recognition, and shall have been assigned to units ordered to active duty under this Order prior to the effective date hereof, who do not hold appointments in the National Guard of the United States in the same grade and arm or service in which they respectively have been most recently Federally recognized or have been most recently examined and found qualified for Federal recognition, are hereby tendered appointments in the National Guard of the United States in the same grade and arm or service in which they shall have been most recently Federally recognized or examined and found qualified for Federal recognition.

Each warrant officer and enlisted man of the National Guard, assigned to a unit ordered to active duty under this Order, who shall have been examined and found qualified for appointment as an officer in the National Guard of the United States, under the provisions of Section 111, National Defense Act, as amended, and who shall not have been appointed in the National Guard of the United States in the grade for which examined and found qualified prior to the effective date of induction of his unit, is hereby tendered appointment in the National Guard of the United States and commission in the Army of the United States, in the same grade and arm or service for which he shall have been so examined and found qualified.

Each warrant officer and enlisted man of the National Guard who holds appointment as an officer in the National Guard of the United States and a commission in the Army of the United States, or who is tendered such appointment and commission by the terms of this Order, and who is assigned to a unit ordered to active duty under this Order prior to the effective date of induction of such unit, is hereby ordered to active

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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military service as a commissioned of-  
ficer of the Army of the United States  
under that appointment and commission.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
Nov. 30, 1940

[No. 8605]

[F. R. Doc. 40-5295; Filed, December 3, 1940;  
3:41 p. m.]

### Rules, Regulations, Orders

#### TITLE 7—AGRICULTURE

#### CHAPTER VII—AGRICULTURAL AD- JUSTMENT ADMINISTRATION

[ACP-1941-1]

#### PART 701—NATIONAL AGRICULTURAL CON- SERVATION PROGRAM

##### SUBPART C—1941

Pursuant to the authority vested in  
the Secretary of Agriculture under sec-  
tions 7 to 17, inclusive, of the Soil Con-  
servation and Domestic Allotment Act  
(49 Stat. 1148), as amended, the 1941  
Agricultural Conservation Program<sup>1</sup> is  
amended as follows:

1. The first parenthetical expression in  
subparagraph (3), paragraph (b),  
§ 701.201, is amended to read as follows:  
(less not to exceed one percent for use  
in determining permitted acreages for

<sup>1</sup>The source of §§ 701.201 to 701.215 is  
ACP-1941, A.A.A., August 20, 1940 (5 F.R.  
2915).

farms on which cotton will be planted  
in 1941 but on which cotton was not  
planted in any of the years 1938, 1939,  
and 1940).

2. Subdivision (vii), subparagraph (4),  
paragraph (b), § 701.201, is hereby de-  
leted and subdivision (viii) is renun-  
bered as subdivision (vii).

3. Subparagraph (5), paragraph (b),  
§ 701.201, is renumbered as subparagraph  
(6) and a new subparagraph (5) is added  
to read as follows:

(5) *Permitted acreages.* Permitted  
acreages for farms on which cotton will  
be planted in 1941 but on which cotton  
was not planted in any of the years 1938,  
1939, and 1940 will be determined on the  
basis of land, labor, and equipment avail-  
able for the production of cotton, crop  
rotation practices, and the soil and other  
physical facilities affecting the produc-  
tion of cotton, taking into consideration  
also the producer's intention to plant  
cotton. As a reflection of the several  
factors to be taken into consideration,  
the acreage on the farm which will be  
tilled in 1941 or was tilled in 1940 will  
be the basic index of the farm's capacity  
for cotton production: *Provided*, That  
the permitted acreage shall not exceed  
an acreage equal to 50 percent of the  
county cotton factor, determined under  
paragraph (4), times the adjusted tilled  
acreage in the farm, except that (i) for  
any such farm with respect to which the  
county committee's recommendation of a  
permitted acreage is less than 5 acres,  
such recommendation shall be the cotton  
permitted acreage for the farm if the  
State reserve for new farms is sufficient  
therefor, or for any such farm with re-  
spect to which the county committee's  
recommendation of a permitted acreage  
is 5 acres or more, the permitted acreage  
for the farm shall not be less than 5  
acres if the State reserve for new farms  
is sufficient therefor, taking into con-  
sideration also the local committee's rec-  
ommendation, and (ii) for a farm on  
which the producer has in the previous  
year operated another farm located in  
an area in which several contiguous  
farms were purchased by a State or Fed-  
eral agency to be retired from crop pro-  
duction the county cotton factor times  
the adjusted tilled acreage for the farm  
may be regarded as the basic index for  
the farm's capacity for cotton produc-  
tion. The sum of the permitted acreages  
for all such farms in the State shall not  
exceed the State reserve therefor.

4. Subparagraphs (6), (7), and (8),  
paragraph (b), § 701.201, are hereby re-  
numbered as subparagraphs (7), (8), and  
(9), respectively, and are amended to  
read as follows:

(7) *Acreage planted to cotton* means  
the acreage of land seeded to cotton, ex-  
cept that (i) if any acreage in excess of  
the allotment or permitted acreage is  
disposed of before reaching the stage of

growth at which bolls are first formed, (ii) if notice of the amount of excess acreage is not given ten days prior to the time bolls are first formed, but such excess acreage is disposed of within ten days after such notice, or (iii) if substantially all of the cotton produced on a particular acreage is determined to be cotton the staple of which is  $1\frac{1}{2}$  inches or more in length; then, such acreage shall not be considered as planted to cotton.

(8) *Payment.* ----- cents per pound of the normal yield of cotton for the farm for each acre in its cotton acreage allotment.

(9) *Deduction.* ----- cents per pound of the normal yield of cotton for the farm for each acre planted to cotton in excess of its cotton acreage allotment or, in the case of a farm on which cotton is planted in 1941 and on which cotton was not planted in 1938, 1939, or 1940, for each acre in excess of its permitted acreage.

5. The last sentence of subparagraph (4), paragraph (i), § 701.201, is amended to read as follows:

Total soil-depleting acreage allotments will be determined for all farms in Area A and for farms for which a special crop acreage allotment (other than a commercial vegetable acreage allotment) is determined in Area B: *Provided*, That total soil-depleting acreage allotments shall not be determined in counties, groups of counties, or States in Area B where the provisions of subparagraphs (5), (6), (7), or (8) of paragraph (k) of this section are applicable.

6. Subparagraph (6), paragraph (i), § 701.201, is amended to read as follows:

(6) *Non-general-allotment farm* means a farm in Area A (i) for which no total soil-depleting allotment is determined, (ii) for which a total soil-depleting acreage allotment (excluding the cotton acreage allotment or permitted acreage) of 20 acres or less is determined, or (iii) in areas where the productivity index is less than 75, designated by the Agricultural Adjustment Administration upon recommendation of the State committee, for which a total soil-depleting acreage allotment (excluding the cotton acreage allotment or permitted acreage) of 30 acres or less is determined; and the county committee approves, in accordance with instructions of the Agricultural Adjustment Administration, the classification of such farm as a non-general-allotment farm.

7. Subdivision (ii), subparagraph (9), paragraph (i), section 701.201, is amended to read as follows:

(ii) (Non-general-allotment farms in Area A) ----- per acre, adjusted for the productivity of the farm, for each acre of the soil-depleting acreage in excess of the sum of (a) 20 acres, or in areas designated under subparagraph (6), (c), 30

acres, (b) the cotton acreage allotment or permitted acreage determined for the farm, and (c) the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive of this section.

8. Subparagraph (5), paragraph (k), § 701.201, is amended to read as follows:

(5) *Farm conservation plan.* In counties, groups of counties, or States, upon recommendation of the State committee and the approval of the Agricultural Adjustment Administration, the net payment that would otherwise be made with respect to crop allotments other than a commercial vegetable acreage allotment for any farm in the county, group of counties, or State, as the case may be, shall be reduced by 1 percent for each 2 percent by which the producers on the farm fail to carry out during the 1941 program year that part approved for that year of a farm conservation plan approved for the farm as one which, over a period of five years, will conserve the soil and increase its productivity. Such a plan shall provide for the carrying-out on the various parts of the farm of the soil-building practices needed for the proper balance between the various kinds of crops grown, for the elimination of erosion hazards, for the restoration of the necessary humus to the soil, and other good land uses. The amount of the deductions made under this provision, as estimated by the Agricultural Adjustment Administration, shall be available in the State or county where deducted for administrative expenses and for conservation materials for which a soil-building practice payment will not be made and for which no deduction from payments will be made if the material is properly used.

9. Paragraph (k), § 701.201, is amended by the addition of the following subparagraph (8):

(8) *Minimum Acreage of non-depleting land uses.* In counties, groups of counties, or States, upon recommendation of the State committee and approval of the Agricultural Adjustment Administration, a deduction of \$5.00 shall be made for each acre by which the acreage of cropland on the farm not devoted to any soil-depleting crop is less than 20 percent of the total acreage of cropland on the farm: *Provided*, That the deduction shall be applicable only to that acreage which is caused by planting in excess of 30 acres of soil-depleting crops. Such deduction shall be made only in the case of farms for which a special soil-depleting acreage allotment (other than a commercial vegetable allotment) is determined.

10. Paragraph (p), § 701.203, is amended to read as follows:

(p) Flax planted for any purpose except when used as a nurse crop for perennial legumes or perennial grasses (other than timothy and redbud) which are

seeded in a workmanlike manner or when matched acre for acre by such crops seeded alone in a workmanlike manner.

11. Paragraph (e), § 701.210, is amended to read as follows:

(e) *Excess cotton acreage.* Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1941 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted, during 1941, on land in any farm in which he has an interest, in excess of the cotton acreage allotment under Section 344 of the Agricultural Adjustment Act of 1938 for the farm for 1941, and that cotton was not planted in excess of such allotment by his authority or with this consent.

Any person who knowingly plants cotton, or causes cotton to be planted, on his farm in 1941 on acreage in excess of the cotton acreage allotment under Section 344 of the Agricultural Adjustment Act of 1938 for the farm for 1941 shall not be eligible for any payment whatsoever, on that farm or any other farm, under the provisions of the 1941 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1941 on an acreage in excess of such cotton acreage allotment for the farm for 1941 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1941.

Done at Washington, D. C., this 30th day of November 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 40-5294; Filed, December 3, 1940; 3:14 p. m.]

## CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

### PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FARMING PRACTICES TO BE CARRIED OUT IN CONNECTION WITH THE PRODUCTION OF SUGARCANE DURING THE CROP YEAR 1940-41 FOR PUERTO RICO

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, I, Paul H. Appleby, Acting Secretary of Agriculture, do hereby make the following determination:

§ 802.43c *Farming practices to be carried out in connection with the production of sugarcane during the crop year 1940-41*—(a) For all farms, except in the Island of Vieques. The requirements of section 301 (e) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to a farm in Puerto Rico, except in the Island of Vieques, if there are carried out prior to April 30, 1941, the following farming practices:

(1) *Farms containing more than 400 acres of sugarcane.* For farms on which more than 400 acres of sugarcane are growing at any time during 1940:

(i) The application to land on which sugarcane is planted during 1940 of sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized equal to not less than the greater of either 150 pounds or 80 percent of the average quantity of plant food contained in the chemical fertilizer applied to similar land in 1937 or 1938, whichever was smaller.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1940 of sufficient chemical fertilizer to provide an average of not less than 100 pounds of plant food per acre fertilized.

(2) *Farms containing more than 100, but not more than 400, acres of sugarcane.* For farms on which more than 100, but not more than 400, acres of sugarcane are growing at any time during 1940:

(i) The application to land on which sugarcane is planted during 1940 of chemical fertilizer in an amount averaging not less than 400 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1940 of chemical fertilizer in an amount averaging not less than 265 pounds per acre fertilized.

(3) *Farms containing more than 10, but not more than 100, acres of sugarcane.* For farms on which more than 10, but not more than 100, acres of sugarcane are growing at any time during 1940:

(i) The application to land on which sugarcane is planted during 1940 of chemical fertilizer in an amount averaging not less than 250 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1940 of chemical fertilizer in an amount averaging not less than 165 pounds per acre fertilized.

(iii) In lieu of the provisions of subdivisions (i) and (ii) of this subparagraph (3), the carrying out on the farm of any of the soil building practices contained in the 1940 Agricultural Conservation Program Bulletin, Puerto Rico, for which payment would be made in an amount equal to at least \$1 per acre of land on

which sugarcane is planted or a ratoon crop of sugarcane is started during 1940.

(4) *Farms containing not more than 10 acres of sugarcane.* For farms on which not more than 10 acres of sugarcane are growing at any time during 1940:

(i) The application during the 1940 harvest season to the land from which sugarcane is harvested of the tops and trash cut from such sugarcane; or

(ii) The application of fertilizer in the amounts, and to the types of land, set forth in subdivisions (i) and (ii) of subparagraph (3) of this paragraph (a); or

(iii) The carrying out on the farm of any of the soil building practices contained in the 1940 Agricultural Conservation Program Bulletin, Puerto Rico, for which payment would be made in an amount equal to at least \$0.50 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during 1940.

(b) *For farms in the Island of Vieques.* The requirements of section 301 (e) of the said act shall be deemed to have been met with respect to a farm in Puerto Rico in the Island of Vieques if there are carried out prior to April 30, 1941, the following farming practices:

(1) *Farms containing more than 400 acres of sugarcane.* For farms on which more than 400 acres of sugarcane are growing at any time during 1940:

(i) The application to land on which sugarcane is planted during 1940 of sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized equal to not less than the greater of either 75 pounds or 80 percent of the average quantity of plant food contained in the chemical fertilizer applied to similar land in 1937 or 1938, whichever was smaller.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1940 of sufficient chemical fertilizer to provide an average of not less than 50 pounds of plant food per acre fertilized.

(2) *Farms containing more than 100, but not more than 400, acres of sugarcane.* For farms on which more than 100, but not more than 400, acres of sugarcane are growing at any time during 1940:

(i) The application to land on which sugarcane is planted during 1940 of chemical fertilizer in an amount averaging not less than 200 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1940 of chemical fertilizer in an amount averaging not less than 135 pounds per acre fertilized.

(3) *Farms containing more than 10, but not more than 100, acres of sugarcane.* For farms on which more than 10, but not more than 100, acres of sugar-

cane are growing at any time during 1940:

(i) The application to land on which sugarcane is planted during 1940 of chemical fertilizer in an amount averaging not less than 125 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1940 of chemical fertilizer in an amount averaging not less than 85 pounds per acre fertilized.

(iii) In lieu of the provisions of subdivisions (i) and (ii) of this subparagraph (3), the carrying out on the farm of any of the soil building practices contained in the 1940 Agricultural Conservation Program Bulletin, Puerto Rico, for which payment would be made in an amount equal to at least \$1.00 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during 1940.

(4) *Farms containing not more than 10 acres of sugarcane.* For farms on which not more than 10 acres of sugarcane are growing at any time during 1940:

(i) The application, during the 1940 harvest season, to the land from which sugarcane is harvested of the tops and trash cut from such sugarcane; or

(ii) The application of fertilizer in the amounts, and to the types of land, set forth in subdivisions (i) and (ii) of subparagraph (3) of this paragraph (b); or

(iii) The carrying out on the farm of any of the soil building practices contained in the 1940 Agricultural Conservation Program Bulletin, Puerto Rico, for which payment would be made in an amount equal to at least \$0.50 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during 1940.

(c) *Minimum acreage requirements for the application of fertilizer.* In every case in which the application of fertilizer is required as aforesaid, the number of acres on which fertilizer is to be applied prior to April 30, 1941, shall not be less than 100 percent of the number of acres on which sugarcane is planted during 1940, and not less than 80 percent of the number of acres on which a ratoon crop of sugarcane is started during 1940.

(d) *Additional credit in connection with 1940 Agricultural Conservation Program.* Where there is reference to payments which would be made under the terms of the 1940 Agricultural Conservation Program, Puerto Rico, in subparagraphs (3) (iii) and (4) (iii) of paragraph (a), and in the corresponding subparagraphs of paragraph (b) credit is to be allowed, in calculating the payment per acre, for chemical fertilizer applied, if any, at the rate of \$0.50 per hundred pounds gross weight.

(e) *Standards of performance.* The foregoing practices shall be carried out on the farm in accordance with farming

methods commonly used in the community in which the farm is located.

(f) *Definitions.* Wherever used in this section, except in paragraph (d), chemical fertilizer and plant food are to be defined as follows: "Chemical fertilizer" means commercial chemical fertilizer of which not less than 15 percent of the gross weight consists of plant food. "Plant food" means the aggregate amount of nitrogen, available phosphoric acid, and water soluble potash.

Done at Washington, D. C., this 4th day of December 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,  
Acting Secretary of Agriculture.

[F. R. Doc. 40-5320; Filed, December 4, 1940;  
11:49 a. m.]

#### CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

[G. S. Q. R. Series 7, No. 2, Rev. 1]

##### PART 821—SUGAR MARKETING QUOTAS

##### SUGAR CONSUMPTION REQUIREMENTS FOR THE CALENDAR YEAR 1940 FOR THE TERRITORY OF HAWAII AND FOR PUERTO RICO

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, as amended, I, Paul H. Appleby, Acting Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations (constituting a revision of and superseding General Sugar Quota Regulations, Series 7, No. 2, issued January 13, 1940<sup>1</sup>), which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

§ 821.31 *Consumption requirements and quotas*—(a) *Revised consumption requirements.* It is hereby determined, pursuant to section 203 of the Sugar Act of 1937 (hereinafter referred to as the "act"), as amended, that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1940 is 33,369 short tons of sugar, raw value, and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1940 is 70,784 short tons of sugar, raw value.

(b) *Revised local consumption quotas.* There are hereby established, pursuant to section 203 of the said act, for local consumption in the Territory of Hawaii and in Puerto Rico, for the calendar year 1940, the following quotas:

Area:	Quotas in terms of short tons raw value
Hawaii.....	33,369
Puerto Rico.....	70,784

<sup>1</sup> 5 F. R. 195.

(Sec. 203, 50 Stat. 905; 7 U.S.C., Supp. V, 1113)

§ 821.32 *Restrictions on marketing.* For the calendar year 1940, all persons are hereby forbidden, pursuant to section 209 of the said act, from marketing in the Territory of Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the year has been filled. (Sec. 209, 50 Stat. 908; 7 U.S.C., Supp. V, 1119)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 4th day of December 1940.

[SEAL] PAUL H. APPLEBY,  
Acting Secretary of Agriculture.

[F. R. Doc. 40-5319; Filed, December 4, 1940;  
11:48 a. m.]

#### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

##### CHAPTER II—AGRICULTURAL MARKETING SERVICE

##### PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO SAINT PAUL UNION STOCKYARDS COMPANY, DOING BUSINESS AS BILLINGS UNION STOCKYARDS, BILLINGS, MONTANA<sup>1</sup>

DECEMBER 3, 1940.

Notice is hereby given that after inquiry, as provided by section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Billings Union Stockyards at Billings, State of Montana, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] PAUL H. APPLEBY,  
Acting Secretary of Agriculture.

[F. R. Doc. 40-5317; Filed, December 4, 1940;  
11:48 a. m.]

##### PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO TREVOR H. (TREV.) MOORE, DOING BUSINESS AS TREV. MOORE SALES-SERVICE, HYNES, CALIFORNIA<sup>1</sup>

DECEMBER 4, 1940.

Notice is hereby given that after inquiry, as provided by section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C., Sec. 202 (b)), it has been ascer-

<sup>1</sup> Modifies list posted stockyards 9 CFR 204.1.

tained by me that the stockyard known as the Trev. Moore Sales-Service at Hynes, State of California, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] PAUL H. APPLEBY,  
Acting Secretary of Agriculture.

[F. R. Doc. 40-5318; Filed, December 4, 1940;  
11:48 a. m.]

#### TITLE 16—COMMERCIAL PRACTICES CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3631]

##### PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF PHIL J. BLIFFERT, ET AL.

§ 3.24 (e) (1) *Coercing and intimidating—Suppliers of competitors—By boycotting and threats of:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade:* § 3.33 (e) *Cutting off competitors' supplies—Threatening withdrawal of patronage.* In connection with the purchase and offer for sale, sale and distribution, in commerce, of building supplies, (1) establishing and maintaining (a) uniform prices at which the respondent dealers should sell building supplies, (b) minimum prices at which the respondent dealers should sell building supplies, and (c) uniform terms and conditions attaching to the sale by the respondent dealers of building supplies; (2) interfering with competitors of respondent dealers in the said competitors' efforts to purchase and obtain building supplies; (3) preventing competitors of respondent dealers from purchasing or obtaining building supplies; (4) boycotting and threatening to boycott manufacturers and sellers of building supplies who sell or ship such products to competitors of respondent dealers; and (5) causing, inducing and procuring, by promises, threats, coercion, intimidation and otherwise, manufacturers and sellers of building supplies (a) not to sell or ship building supplies to competitors of respondent dealers or directly to consumers of such supplies, (b) to boycott competitors of respondent dealers and consumers of building supplies, and (c) to confine to respondent dealers the said manufacturers' and sellers' sales and shipments of building supplies intended for use, consumption, or resale in Milwaukee County and other counties in the State of Wisconsin; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b)

[Cease and desist order, Phil J. Bliffert, et al., Docket 3631, November 23, 1940]

*In the Matter of Phil J. Bliffert, Walter J. Manhardt, Individually and Trading as Capitol Building Supply Company; Wauwatosa Fuel & Supply Company, a Corporation Trading in Its Own Name and Also as Wisconsin Face Brick & Supply Company and as Wisconsin Face & Fire Brick Company; Tews Lime & Cement Company, a Corporation; W. H. Pipkorn Company, a Corporation; Berthelet Fuel & Supply Company, a Corporation; Henry Cook Company, a Corporation; The Froemming Corporation, a Corporation; Schneider Fuel & Supply Company, a Corporation; Heider & Bott Company, a Corporation; Otto Ludwig & Sons, Inc., a Corporation; J. Druecker Sons' Company, a Corporation*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of November, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and evidence taken before W. W. Sheppard, an examiner of the Commission heretofore duly designated by it, in support of the allegations of said complaint, a brief filed herein also in support thereof, briefs in behalf of respondents and oral argument having been waived, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That respondents Wauwatosa Fuel & Supply Company, Tews Lime & Cement Company, W. H. Pipkorn Company, Berthelet Fuel & Supply Company, Henry Cook Company, The Froemming Corporation, Schneider Fuel & Supply Company, Heider & Bott Company, Otto Ludwig & Sons, Inc., and J. Druecker Sons' Company, all corporations, respectively, and Walter J. Manhardt, an individual doing business under the trade name Capitol Building Supply Company, their officers, representatives, agents and employees, directly or through any corporate or other device in connection with the purchase and offering for sale, sale and distribution of building supplies, in commerce, as defined in the Federal Trade Commission Act, do forthwith cease and desist from doing and performing by understanding, agreement or combination between themselves or with others the following acts and things:

(1) Establishing and maintaining uniform prices at which the respondent dealers should sell building supplies.

(2) Establishing and maintaining minimum prices at which the respondent dealers should sell building supplies.

<sup>1</sup> 5 F.R. 2416.

(3) Establishing and maintaining uniform terms and conditions attaching to the sale by the respondent dealers of building supplies.

(4) Interfering with competitors of respondent dealers in the said competitors' efforts to purchase and obtain building supplies.

(5) Preventing competitors of respondent dealers from purchasing or obtaining building supplies.

(6) Boycotting and threatening to boycott manufacturers and sellers of building supplies who sell or ship building supplies to competitors of respondent dealers.

(7) Causing, inducing and procuring, by promises, threats, coercion, intimidation, and otherwise, manufacturers and sellers of building supplies:

(a) Not to sell or ship building supplies to competitors of respondent dealers or directly to consumers of building supplies.

(b) To boycott competitors of respondent dealers and consumers of building supplies.

(c) To confine to the respondent dealers the said manufacturers' and sellers' sales and shipments of building supplies intended for use, consumption, or resale in Milwaukee County and other counties in the State of Wisconsin.

*It is further ordered,* That this proceeding be, and the same hereby is, dismissed as to the respondent, Phil J. Bliffert.

*It is further ordered,* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 40-5309; Filed, December 4, 1940;  
11:16 a. m.]

[Docket No. 4125]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### IN THE MATTER OF DRUCQUER & SONS

§ 3.6 (a) (16) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Location:* § 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (c17) *Misbranding or mislabeling—Location and size:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported.* In connection with offer, etc., in commerce, of tobaccos and tobacco products, (1) using the statement "Drucquer & Sons of London, England", or any other statement indicating that respondent owns or operates a

place of business in London, England, or (2) representing, through the use of the statement "Manufactured by Drucquer & Sons of London, England", or any other statement indicating English origin, that tobaccos and tobacco products made, manufactured or blended in the United States are imported from England, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Drucquer & Sons, Docket 4125, November 23, 1940]

*In the Matter of John Drucquer, an Individual, Trading as Drucquer & Sons*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of November, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent and stipulation as to the facts entered into by the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that, without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, John Drucquer, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of tobaccos and tobacco products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the statement "Drucquer & Sons of London, England", or any other statement indicating that respondent owns or operates a place of business in London, England;

(2) Representing, through the use of the statement "Manufactured by Drucquer & Sons of London, England", or any other statement indicating English origin, that tobaccos and tobacco products made, manufactured or blended in the United States are imported from England.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 40-5308; Filed, December 4, 1940;  
11:16 a. m.]

## TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR  
DIVISIONPART 526—INDUSTRIES OF A SEASONAL  
NATURE<sup>1</sup>IN THE MATTER OF APPLICATION FOR EXEMPTION  
OF THE ARTIFICIAL DRYING OF  
ALFALFA HAY AND THE SUBSEQUENT MILL-  
ING FROM THE MAXIMUM HOURS PROVI-  
SIONS

Whereas application was filed by the Saunders Mills, Inc., of Walbridge, Ohio, and sundry other parties for the exemption of the artificial drying of hay and subsequent manufacture of meal therefrom, from the maximum hours provisions of the Fair Labor Standards Act of 1938 as an industry of a seasonal nature, pursuant to section 7 (b) (3) of the act and part 526 as amended of the regulations issued thereunder.

Whereas it appeared from said application and upon further investigation that:

1. Green alfalfa hay used in the manufacture of artificially dehydrated alfalfa, alfalfa leaf, and alfalfa stem meals is available for harvest only during a restricted season or seasons of the year; and

2. During these periods green hay is moved directly from the fields into artificial dehydrators from whence it passes without delay into mills which convert it into meal; and

3. Such combined dehydrators and mills necessarily operate only during the periods in which green alfalfa hay is available and such periods of availability do not customarily exceed four months and in no case six months during any calendar year; and

4. The combined dehydrators and mills are closed during the remainder of the year except for sales, maintenance and repair work because green alfalfa hay is not available due to natural conditions.

Whereas on November 15, 1940, the Administrator caused to be published in the FEDERAL REGISTER (5 F.R. 4497) a notice which stated that (a) upon consideration of the aforesaid facts, the Administrator determined pursuant to § 526.5 (b) (ii) of the regulations that a *prima facie* case had been shown for the granting of an exemption pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations issued thereunder to the artificial drying of hay and subsequent manufacture of meal therefrom, that (b) in accordance with the procedure established by § 526.5 (b) (ii) of the regulations, the Administrator for fifteen days thereafter would receive objection to the granting of the exemption and request for hearing from any interested person, and upon receipt thereof would set the application for the hearing before himself or an authorized representative, and

<sup>1</sup> Affects tabulation in § 526.101.

that (c) if no objection and request for hearing was received within fifteen days, the Administrator would make a finding upon the *prima facie* case; and

Whereas no objection and request for hearing was received by the Administrator within the said fifteen days;

Now, therefore, pursuant to § 526.5 (b) (ii) of the regulations, as amended, the Administrator hereby finds on the *prima facie* case shown in the said application that the artificial drying of hay and subsequent manufacture of meal therefrom is a seasonal industry within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and regulations issued thereunder, and therefore is entitled to the exemption provided in section 7 (b) (3) of the said act.

Signed at Washington, D. C., this 2 day of December, 1940.

PHILIP B. FLEMING,  
Administrator.

[F. R. Doc. 40-5325; Filed, December 4, 1940;  
11:58 a. m.]

PART 526—INDUSTRIES OF A SEASONAL  
NATURE<sup>1</sup>IN THE MATTER OF APPLICATION FOR EX-  
EMPTION OF THE STORING AND PACKING  
OF NURSERY STOCK FROM THE MAXIMUM  
HOURS PROVISIONS OF THE FAIR LABOR  
STANDARDS ACT OF 1938

Whereas application was filed by the American Association of Nurserymen, Inc., for the exemption of the storing and packing of nursery stock from the maximum hours provisions of the Fair Labor Standards Act of 1938, pursuant to section 7 (b) (3) and Part 526 as amended of the regulations issued thereunder.

Whereas it appeared from said application and upon further investigation that:

1. Nursery stock is stored and packed, in specially designed storing and packing sheds, by nurserymen who grow all their stock, purchase all of it, or in part grow and in part purchase it; and

2. Each fall nursery stock is dug from the fields and moved into storage for eventual packing and packaging in the early spring or is dug in the spring or fall and immediately packed for both wholesale and retail distribution; and

3. Although the cultivation of nursery stock, as distinguished from the growing all such stock, without substantial exception, is received for storage or packing within a 14 week period or periods, and in all cases 50 percent or more is received for storage or for packing during this period or periods; and

4. The storing and packing of nursery stock, as distinguished from the growing thereof, appear to constitute a separate branch of the industry.

Whereas on November 14, the Administrator caused to be published in the FEDERAL REGISTER (5 F.R. 4475) a notice

which stated that (a) upon consideration of the aforesaid facts, the Administrator determined pursuant to § 526.5 (b) (ii) of the regulations that a *prima facie* case had been shown for the granting of an exemption pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations to the storing and packing of nursery stock, that (b) in accordance with the procedure established by § 526.5 (b) (ii) of the regulations, the Administrator for fifteen days thereafter would receive objection to the granting of the exemption and request for hearing from any interested person, and upon receipt thereof would set the application for the hearing before himself or an authorized representative, and that (c) if no objection and request for hearing was received within fifteen days, the Administrator would make a finding upon the *prima facie* case; and

Whereas no objection and request for hearing was received by the Administrator within the said fifteen days;

Now, therefore, pursuant to § 526.5 (b) (ii) of the regulations, as amended, the Administrator hereby finds on the *prima facie* case shown in the said application that the storing and packing of nursery stock is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and regulations issued thereunder, and therefore is entitled to the exemption provided in section 7 (b) (3) of the said act.

Signed at Washington, D. C., this 2 day of December 1940.

PHILIP B. FLEMING,  
Administrator.

[F. R. Doc. 40-5324; Filed, December 4, 1940;  
11:58 a. m.]

## Notices

## WAR DEPARTMENT.

[Contract No. W 6560 qm-51, O. I. No. 12]

SUMMARY OF COST-PLUS-A-FIXED-FEE  
ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: ROYCE J. TIPTON,  
1231 FIRST NATIONAL BANK BUILDING,  
DENVER, COLORADO

Amount fixed fee: \$20,900.00.

Estimated cost of construction project: \$1,970,720.00.

Type of construction project: A Replacement Center including buildings, utilities and appurtenances.

Location: Fort F. E. Warren, Wyoming.

Type of service: Architect-Engineering.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 7639 P1-3211 A 0540.068-N, the available balance of which is sufficient to cover the cost of same.

This Contract, entered into this 26th day of October 1940.

**Description of the work.** The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: Construction of a replacement center including the necessary buildings, at Fort F. E. Warren, Wyoming, and estimated to cost \$1,970,720.00, and to be completed within \* \* \* months from the date hereof.

**Data to be furnished by the Government.** The Government shall furnish the Architect-Engineer available schedules of preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

**Fixed-fee and reimbursement of expenditures.** In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

A fixed fee in the amount of Twenty Thousand, Nine Hundred and No/100 Dollars (\$20,900.00), which shall constitute complete compensation for the Architect-Engineer's services.

Reimbursement for the following expenditures:

The actual cost of expenditures made by the Architect-Engineer under the provisions of Article IV and Article VII of this contract, subject to the provisions of paragraph 1b. (2) above.

Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and the amount of the Architect-Engineer's fixed fee earned.

All drawings, specifications, and blue prints are to become the property of the Government on completion of payments.

**Changes in scope of project.** The Contracting Officer may at any time, by a written order, make changes in the scope of the work contemplated by this contract.

The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws:

Public No. 703—76th Congress, approved July 2, 1940.

Public No. 309—76th Congress, approved August 7, 1939.

NEAL H. MCKAY,  
Major, Quartermaster Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 40-5290; Filed, December 3, 1940; 12:46 p. m.]

[Contract No. W 6560 qm-52, O. I. No. 13]

# SUMMARY OF COST-PLUS-A-FIXED-FEE CONSTRUCTION CONTRACT

CONTRACTOR: MEAD AND MOUNT CONSTRUCTION CO. AND ED. H. HONNEN CONSTRUCTION CO. OF DENVER AND COLORADO SPRINGS, COLORADO, RESPECTIVELY

Fixed-fee: \$88,466.00.

Contract for: Construction of a Replacement Center including necessary buildings, temporary structures, utilities and appurtenances thereto.

Place: Fort F. E. Warren, Wyoming.

Estimated cost of project: \$1,882,254.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: QM 7640 P1-3211 A 0540.068-N.

This Contract, entered into this 1st day of November 1940.

The contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: Construction of a replacement center including the necessary buildings, at Fort F. E. Warren, Wyoming.

It is estimated that the total cost of the construction work covered by this contract will be approximately One Million, Eight Hundred Eighty-Two Thousand, Two Hundred Fifty-Four dollars (\$1,882,254.00) exclusive of the Contractor's fee.

In consideration for his undertaking under this contract the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in article II.

(b) Rental for Contractor's equipment as provided in article II.

(c) A fixed fee in the amount of Eighty Eight Thousand, Four Hundred Sixty-Six dollars (\$88,466.00) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under article II, shall vest in the Government.

**Reimbursement for cost.** The Government will currently reimburse the Contractor for expenditures made in accordance with article II upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials, or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

**Rental for contractor's equipment.** Rental as provided in article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

**Payment of the fixed-fee.** The fixed-fee prescribed in article I shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

**Termination of contract by Government.** Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract is authorized by the following laws:

Public No. 703—76th Congress, approved July 2, 1940.

NEAL H. MCKAY,  
Major, Quartermaster Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 40-5291; Filed, December 3, 1940; 12:46 p. m.]

[Contract No. W 227-sc-2536, File No. 1263-NY-41, OCSO-DP-41-264]

## SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: RCA MANUFACTURING COMPANY, INC., CAMDEN, NEW JERSEY

Contract for radio receivers BC-312-C, BC-314-C, BC-342-C and Spare Part Groups.

Amount, \$6,655,773.06.

Place: New York Signal Corps Procurement District, 1st Avenue and 58th Street, Brooklyn, New York.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and

are chargeable to Procurement Authority SC-1313-P-5-3053-A-0605-01, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 2d day of November 1940.

**Scope of this contract.** The contractor shall furnish and deliver to the Government, pursuant to the authority contained in section 1 (a) of the Act of Congress approved July 2, 1940, all of the following, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof:

Item 1. * * * radio receiver, total	\$4,549,391.00
Item 2. * * * radio receiver, total	612,606.85
Item 3. * * * radio receiver, total	908,265.00
Item 4. * * * spare parts group for items 1, 2, and 3 above, total	128,399.15
Item 5. * * * spare parts group for items 1, and 3 above, total	181,942.53
Item 6. * * * spare parts group for items 1 and 2 above, total	246,994.02
Item 7. * * * spare parts group for item 3 above, total	20,944.95
Item 8. * * * spare parts group for item 2 above, total	7,229.56

**Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**Payments.** The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

**Performance bond.** Bond, with surety satisfactory to the contracting officer, guaranteeing the faithful performance of the provisions of this contract shall be furnished herewith in the sum of fifteen (15%) percent of the total consideration of this contract.

**Amount.** \$998,365.96.

**Delays—Liquidated damages.** If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damage for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

The amount of such liquidated damages will be one-tenth of one per cent (.1%) of the total contract price of all materials or supplies not delivered within the time specified for each and every calendar day of delay in making delivery of such materials or supplies, provided that in the event the amount of such liquidated damages so computed is less than \$10.00 per day for any one day liquidated damages shall be assessed and paid in the sum of \$10.00 for each and every calendar day of such delay in making deliveries as specified.

In the event of any Liquidated Damages accruing as a result of this contract, the total amount of such Liquidated Damages shall not exceed ten (10%) per cent of the total amount of this contract, including any increase applying thereto.

**Termination when contractor not in default.** If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

The Government reserves the right at any time within \* \* \* days from and after date of receipt by the contractor of the executed number of the contract to increase the quantity or quantities of the supplies called for herein.

This contract authorized under the provisions of section 1 (a) of the Act of Congress approved July 2, 1940.

(Public Number 703, H. R. 9850).

NEAL H. MCKAY,  
Major, Quartermaster Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 40-5289; Filed, December 3, 1940;  
12:46 p. m.]

[Contract No. W 669 qm-8625 (O. I. No. 1004)]  
SUMMARY OF CONTRACT FOR SUPPLIES  
CONTRACTOR: CHATHAM MANUFACTURING  
COMPANY

Contract for: Blankets, Wool, Olive Drab.

Amount: \$1,803,000.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract entered into this thirtieth day of August 1940.

**Scope of this contract.** The contractor shall furnish and deliver \* \* \* Blankets, Wool, Olive Drab, for the consideration stated totaling One million, eight hundred three thousand dollars

(\$1,803,000.00), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

**Payments.** The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

**Delays—Liquidated damages.** If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

**Liquidated damages.** Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each unit undelivered, a sum equal to \* \* \* percentum of the price of each unit for each day's delay after the date or dates specified.

Bond: Furnished.

Amount: \$360,600.00.

This contract authorized under Procurement Directive No. P-E-26.

NEAL H. MCKAY,  
Major, Quartermaster Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 40-5299; Filed, December 4, 1940;  
9:28 a. m.]

[Contract No. W 6106 qm-1, O. I. No. 1-41]  
SUMMARY OF COST - PLUS - A - FIXED - FEE  
ARCHITECT-ENGINEER SERVICES

Architect-Engineer: Wiley & Wilson,  
Peoples Bank Building, Lynchburg, Virginia.

Amount fixed fee: \$41,950.00.

Estimated cost of construction project: \$7,539,051.00.

Type of construction project: Construction of a replacement and reception center, including necessary buildings, temporary structures, utilities and appurtenances thereto.

Location: Camp Robert E. Lee, Virginia.

Type of service: Architectural-Engineering.

The supplies and services to be obtained by this instrument are authorized

by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 7620 P1-3211 A 0540.063-N the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 29th day of October 1940.

**Description of the work.** The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: Construction of a replacement and reception center, at Camp Robert E. Lee, Virginia, and estimated to cost \$7,539,051.00.

**Data to be furnished by the Government.** The Government shall furnish the Architect-Engineer available schedules of preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

**Fixed-fee and reimbursement of expenditures.** In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following: A fixed fee in the amount of Forty-one Thousand, Nine Hundred Fifty and No/100 Dollars (\$41,950.00), which shall constitute complete compensation for the Architect-Engineer's services.

**Reimbursement for the following expenditures:** The actual cost of expenditures made by the Architect-Engineer under the provisions of Article IV and Article VII of this contract, subject to the provisions of paragraph 1b. (2) above.

Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and the amount of the Architect-Engineer's fixed fee earned.

All drawings, specifications, and blue prints are to become the property of the Government on completion of payments.

**Changes in scope of project.** The Contracting Officer may at any time, by a written order, make changes in the scope of the work contemplated by this contract.

**Termination for cause or for convenience of the Government.** The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws:

Public No. 309-76th Congress, approved August 7, 1939.

Public No. 703-76th Congress, approved July 2, 1940.

NEAL H. MCKAY,  
Major, Quartermaster Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 40-5297; Filed, December 4, 1940; 9:28 a. m.]

[Contract No. W 6106 qm-2, O. I. No. 2-41]

# SUMMARY OF COST-PLUS-A-FIXED-FEE CONSTRUCTION CONTRACT

Contractor: Doyle & Russell and Wise Contracting Company, Inc., Central National Bank Building, Richmond, Virginia.

Fixed-fee: \$232,353.00.

Contract for: Construction of a replacement and reception center, including necessary buildings, temporary structures, utilities and appurtenances thereto.

Place: Camp Robert E. Lee, Virginia.

Estimated cost of project: \$7,306,698.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of same: QM 7621 P1-3211 A 0540.068-N.

This Contract, entered into this 31st day of October 1940.

**Statement of work.** The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work:

Construction of a replacement and reception center at Camp Robert E. Lee, Virginia.

It is estimated that the total cost of the construction work covered by this contract will be approximately Seven Million, Three Hundred Six Thousand, Six Hundred Ninety Eight dollars (\$7,306,698.00), exclusive of the Contractor's fee.

In consideration for his undertaking under this contract the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in article II.

(b) Rental for Contractor's equipment as provided in article II.

(c) A fixed fee in the amount of Two Hundred Thirty-Two Thousand, Three Hundred Fifty-Three dollars (\$232,353.00) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under article II, shall vest in the Government.

**Payments: Reimbursement for cost.** The Government will currently reimburse the Contractor for expenditures made in accordance with article II upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials, or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

**Rental for contractor's equipment.** Rental as provided in article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

**Payment of the fixed-fee.** The fixed-fee prescribed in article I shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

**Termination of contract by Government.** Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract is authorized by the following law: Public No. 703-76th Congress, approved July 2, 1940.

NEAL H. MCKAY,  
Major, Quartermaster Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 40-5298; Filed, December 4, 1940; 9:28 a. m.]

[Contract No. W 852 ord-6574]

# SUMMARY OF CONTRACT FOR SUPPLIES CONTRACTOR: AUTO-ORDNANCE CORPORATION

Contract for: Thompson sub-machine guns, caliber .45. M-1928-A1, and essential extra parts.

Amount: \$3,108,854.61.

Place: Springfield Armory, Springfield, Massachusetts.

This Contract, entered into this 1st day of November 1940.

**Scope of this contract.** The contractor shall furnish and deliver the following items:

Item	Quantity	Description
a	• • •	Guns, sub-machine, Thompson, caliber .45, M-1928-A1.
b	• • •	Essential extra parts.

for the consideration stated, \$3,108.-854.61, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

**Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**Delays—Damages.** If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

**Payments.** The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed \$1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authorities indicated below either in cash or under a contract authorization contained in the Military Appropriation Act for the fiscal year 1941, the available balances of which are sufficient to cover the cost of material covered by this contract:

Ord-7214-P11-3030-A(1005).105-01.  
Ord-7306-P11-3030-A(1005).105-01.  
Ord-7306-P11-3030-A1005-01.  
Ord-7308-P94-1370-A5910.004-1.  
2115910.004, Working Fund, War, Ordinance 1941.

NEAL H. MCKAY,  
Major, Quartermaster Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 40-5296; Filed, December 4, 1940;  
9:28 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No. A-12]

#### PETITION OF DISTRICT BOARD NO. 13

#### MEMORANDUM OPINION AND ORDER CONCERNING TEMPORARY RELIEF

The original petition, as amended, in the above-entitled matter prays that a

temporary order be issued granting the relief requested pending final disposition of the matter.

A final hearing was held in the above-entitled matter on October 24, 1940, pursuant to the Rules and Regulations Governing Practice and Procedure in 4 II (d) proceedings, in which all interested parties were afforded an opportunity to appear and present evidence in their behalf. There was no evidence introduced in opposition to the granting of the relief as hereinafter provided.

Petitioner seeks, in part, the modification of effective minimum prices established for coals produced by code members in Subdistrict No. 1 of District No. 13 for use in locomotive boilers by the extension of such prices to all uses by railroads.

The Stith Coal Company, a code member in District No. 13, filed a petition of intervention in the above-entitled matter in support of the relief requested by the original petitioner with respect to the extension of the minimum prices established for locomotive fuel to all uses by railroads, specifically requesting temporary permission be granted to the intervening petitioner to ship from Stith Aldridge drift mines 1½" x 0 coal to the Southern Railway Company shops at Finney Yards, Birmingham, Alabama, for exclusive railroad use in stationary boilers, at the f. o. b. mine price established for use in locomotive boilers. The original petitioner filed a supplemental pleading, dated November 16, 1940, in the above-entitled matter in support of the relief prayed for in the intervening petition of the Stith Coal Company.

The Director has carefully considered the original petition, the petition of intervention, and the evidence introduced at the hearing.

The Director finds that the petitioners have made an adequate showing of actual or impending injury in the event that temporary relief, as hereinafter provided, is not granted and further finds that the granting of temporary relief, as hereinafter provided, will not unduly prejudice other interested persons in advance of a final disposition of the matter. The Director further finds that a sufficiently clear showing has been made in support of the relief as hereinafter provided.

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter, the Schedule of Effective Minimum Prices for District No. 13, for All Shipments Except Truck, be and the same hereby is amended by modifying the heading, page 36 of said schedule, which defined the application of the railroad fuel prices set forth on that page, to read as follows:

The following prices apply on coal for use in railroad locomotives and power-house plants. For station heating, use in dining cars, or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: December 2, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-5303; Filed, December 4, 1940;  
10:46 a. m.]

[Docket No. A-51]

PETITION OF DISTRICT BOARD NO. 10 CONCERNING COORDINATION OF PRICES FOR OFF-LINE RAILROAD FUEL SHIPPED FROM MINE NO. 2 (MINE INDEX NO. 101) OF THE MOUNT OLIVE & STAUNTON COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 10, TO THE NEW YORK CENTRAL RAILROAD

#### MEMORANDUM OPINION AND ORDER CONCERNING TEMPORARY RELIEF

The original petition in the above-entitled matter prays that a temporary order be issued granting the relief requested pending final disposition of the matter.

A final consolidated hearing, in which the above-entitled matter was heard, was held beginning on November 12, 1940, in which all interested parties were afforded an opportunity to appear and present evidence in their behalf. There was no evidence introduced at the hearing in opposition to the granting of relief requested by petitioner.

Subsequent to the final hearing in the above-entitled matter the original petitioner filed a motion renewing its application for temporary relief.

The Director has carefully considered the request for temporary relief and the evidence introduced at the final hearing.

Now therefore it is ordered, That, a reasonable showing of necessity therefor having been made, pending final disposition of the above-entitled matter, the Schedule of Effective Minimum Prices for District No. 10, for all shipments except truck, be and the same hereby is amended, to become effective forthwith, as follows:

The following railroad locomotive fuel price exception is added to said schedule to apply to Mine No. 2 (Mine Index No. 101) of the Mount Olive & Staunton Coal Company,

The producer may absorb the actual division of the freight rate but not to exceed 25 cents per ton on railroad locomotive fuel for the New York Central Railroad.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein rendered may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in

proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: December 2, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-5304; Filed, December 4, 1940;  
10:46 a. m.]

[Docket Nos. A-191, A-195]

PETITION OF MAUMEE COLLIERIES COMPANY FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR MINE INDEX 68, DISTRICT 11, BY PROVIDING DEDUCTIONS IN MINE PRICES BASED UPON DIFFERENCES IN FREIGHT RATES AMONG DISTRICT 11 MINES FOR SHIPMENT TO MARKET AREAS 32, 33, 35-38, INCLUSIVE; PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 11 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR DISTRICT 11, BY PROVIDING DEDUCTIONS IN MINE PRICES BASED UPON DIFFERENCES IN FREIGHT RATES AMONG DISTRICT 11 MINES FOR SHIPMENT TO MARKET AREAS 20, 21, AND 30-38, INCLUSIVE

ORDER GRANTING TEMPORARY RELIEF TO THE MAUMEE COLLIERIES COMPANY AND INTERVENER MARIAH HILL SUPER BLOCK COMPANY, AND GRANTING, IN PART, TEMPORARY RELIEF TO DISTRICT BOARD 11

In accordance with the Director's memorandum opinion concerning temporary relief<sup>1</sup> in the above-entitled matters:

*It is ordered*, That temporary relief, pending final disposition of the proceedings therein, be granted to the Maumee Collieries Company as follows: Commencing forthwith it may reduce the effective minimum prices applicable to the coals of Mine Index 68, District 11, for shipment to Market Area 33 by the amount of 10 cents; and for shipment to destinations in Market Areas 32 and 35-38, inclusive, by an amount equal to the difference in the published freight rate from Mine Index 68 and the lowest published freight rate from any mine in Price Groups 15, 16 or 17 of District 11, to such destinations: *Provided, however*, That such reductions shall be limited to a maximum of 50 cents: *And provided, further*, That in the case of any sales made in Market Areas 32 and 35-38, inclusive, at reduced prices, pursuant to the temporary relief herein granted, all invoices, spot orders, credit or debit memoranda, and any other documents, pertaining to such sales, which are required to be filed with this Division, shall indicate the amount of the reduction so made, the amount of the lowest published freight rate from any mine in Price Groups 15, 16 or 17 to the destination in question, and the amount of the difference between that rate and the rate from Mine Index 68 to the same destination.

<sup>1</sup> Filed with the Division of the Federal Register as NF-40-230.

*It is further ordered*, That temporary relief, pending final disposition of the proceedings in the above-entitled matters, be granted to intervener Mariah Hill Super Block Coal Company, as follows: Commencing forthwith, it may reduce the effective minimum prices applicable to the coals of Mine Index 26, District 11, for shipment to destinations in Market Areas 32 and 35-40, inclusive, by an amount equal to the difference in the published freight rate from Mine Index 26 and the lowest published freight rate from any mine in Price Group 15, 16, or 17 of District 11, to such destinations: *Provided, however*, That such reductions shall be limited to a maximum of 50 cents: *And provided, further*, That in the case of any sales made at reduced prices, pursuant to the temporary relief herein granted, all invoices, spot orders, credit or debit memoranda, and any other documents pertaining to such sales, which are required to be filed with this Division, shall indicate the amount of the reduction so made, the amount of the lowest published freight rate from any mine in Price Group 15, 16, or 17 to the destination in question, and the amount of the difference between that rate and the rate from Mine Index 26 to the same destination.

*It is further ordered*, That temporary relief, pending final disposition of the above-entitled matters, be granted to District Board No. 11 as follows: Commencing forthwith the effective minimum prices for Mine Index 36, District 11, may be reduced by the amount of 10 cents for shipment to Milltown, Indiana, Market Area 32; by 7 cents for shipment to Martinsville, Indiana, Market Area 32; and by 17 cents for shipment to Constantine, Michigan, Market Area 21; and

Commencing forthwith, the effective minimum prices for Mine Index 47, District 11, may be reduced by the amount of 22 cents for shipment to Speeds, Indiana, Market Area 31.

*It is further ordered*, That in order to protect the interests of other producers in District 11, pending final disposition of this proceeding, the following procedure be established whereby additional temporary relief may be extended, in proper cases, to District Board 11: In order to present evidence concerning actual or imminent prejudice to specific fair competitive opportunities heretofore enjoyed by District 11 Code Members in the Market Areas designated in its petition, and provided the prejudice is reasonably attributable to the circumstances complained of therein, District Board 11 may move to reopen the hearing in this proceeding upon telegraphic notice to the Director and all parties of record herein. Such notice shall be dispatched at least five business days prior to the date on which the hearing is requested. It shall set forth the mine or mines on behalf of which additional temporary relief is sought, the destination or destinations

involved, the amount of the deduction or deductions in mine prices which are sought, and the specific freight rates allegedly necessitating such deduction or deductions. The notice to the Director shall set forth that all parties have been similarly notified. Upon receipt thereof, an order will be entered reopening the hearing on the date requested, or as soon thereafter as practicable, and telegraphic notice thereof dispatched to all parties of record herein.

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted in this order may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing in the foregoing order, or the memorandum opinion in accordance with which it has been entered, shall be deemed to constitute a ruling or expression of the Director's views concerning the final disposition of the above-entitled matters.

Dated: December 2, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-5305; Filed, December 4, 1940;  
10:47 a. m.]

[Dockets Nos. A-137, A-208, A-251]

PETITIONS OF DISTRICT BOARD 14 FOR ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED AND FOR THE REVISION OF CERTAIN PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES HERETOFORE CLASSIFIED AND PRICED PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF POSTPONEMENT OF HEARING

The Director, having issued on November 13, 1940, an Order of Consolidation, Notice of and Order for Hearing and Granting Temporary Relief, as amended by an order dated November 27, 1940, correcting the caption, in Dockets Nos. A-137, A-208, and A-251; and

The Director having determined to issue Notice of an Informal Conference to be held in Fort Smith, Arkansas, at a conference room of the Bituminous Coal Division on or about December 12, 1940, for the purpose of considering, among other matters, the petitions of District Board 14 in the above entitled dockets and the protest of certain producers in regard thereto;

*It is ordered*, That the hearing in the above entitled matters, originally scheduled to be held on December 2, 1940, be, and it hereby is, postponed until 10 o'clock in the forenoon on January 20, 1941, in a hearing room of the Bituminous Coal Division to be designated by the Chief of the Records Section, Room

502, 734 Fifteenth Street NW., Washington, D. C.

Dated: December 3, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-5306; Filed, December 4, 1940;  
10:48 a. m.]

#### General Land Office.

#### STOCK DRIVEWAY WITHDRAWAL No 11, MONTANA No. 1, REDUCED

NOVEMBER 23, 1940.

Departmental order of March 18, 1918, withdrawing certain lands in Montana for stock driveway purposes under section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, is hereby revoked so far as it affects the following-described lands:

#### Principal Meridian

T. 6 S., R. 2 W.,  
sec. 28, W $\frac{1}{2}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
sec. 32, all;  
aggregating 760 acres.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

[F. R. Doc. 40-5300; Filed, December 4, 1940;  
9:28 a. m.]

#### AIR NAVIGATION SITE WITHDRAWAL No. 146, ALASKA

It is ordered, Under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 728, 49 U.S.C., sec. 214, that the public lands near Aniak and Bethel, Alaska, lying within the following-described boundaries be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air navigation facilities:

Beginning at corner No. 2 of U. S. Survey No. 2236.

Thence by metes and bounds:

S. 57°14' E., 701.8 feet;  
S. 16°36' W., 254.4 feet;  
S. 27°49' W., 474.4 feet;  
S. 69°09' W., 680.2 feet;  
N. 36°31' W., 500.0 feet;  
N. 53°29' E., 500.0 feet;  
N. 59°26' W., 1755.8 feet;  
S. 31°30' W., 3838.4 feet;  
N. 58°30' W., 700.0 feet;  
N. 31°30' E., 3827.0 feet;  
N. 59°26' W., 2045.8 feet;  
N. 30°34' E., 700.0 feet;  
S. 59°26' E., 2057.2 feet;  
N. 31°30' E., 637.1 feet;  
S. 49°40' E., 354.2 feet;  
S. 53°30' E., 351.3 feet;  
S. 31°30' W., 540.7 feet;  
S. 56°49' E., 1650.7 feet to the place of beginning, containing approximately 159.5 acres;

Beginning at a point from which the northwest corner of the U. S. Hospital Reserve bears S. 29°07' E., 194.2 feet. (The northwest corner of the U. S. Hospital Reserve bears S. 65°26' W., 2320.0 feet from corner No. 3 of U. S. Survey No. 870)

Thence from the point of beginning, by metes and bounds:

S. 22°30' W., 680.8 feet;  
N. 67°30' W., 860.0 feet;  
N. 22°30' E., 860.0 feet;  
S. 67°30' E., 860.0 feet;  
S. 22°30' W., 179.2 feet to the place of beginning, containing approximately 17 acres.

E. K. BURLEW,

Acting Secretary of the Interior.

NOVEMBER 26, 1940.

[F. R. Doc. 40-5301; Filed, December 4, 1940;  
9:29 a. m.]

#### DEPARTMENT OF AGRICULTURE.

##### Forest Service.

#### DE SOTO NATIONAL FOREST, MISSISSIPPI ADMINISTRATIVE ORDER TRANSFERRING LANDS FROM THE DEPARTMENT OF AGRICULTURE TO THE WAR DEPARTMENT

Under authority vested in me by the Act of July 19, 1940 (Pub. L. No. 754, 76th Cong., 3d Sess.), entitled "An act to provide for the transfer of certain land in the De Soto National Forest to the Secretary of War for use for military purposes," and upon the request of the Secretary of War, all of the Federally-owned lands within the following described area in Mississippi, heretofore administered by the Department of Agriculture, are hereby transferred to the Secretary of War for military purposes as provided in the above mentioned Act: Townships 2 and 3 North, Ranges 10, 11, and 12 West, except that portion in Section 36, Township 2 North, Range 11 West, lying South of Road 302; all of Township 1 North, Range 11 West, lying North of Road 302. All of the aforementioned lands lie West of the St. Stephens Principal Meridian.

[SEAL]

PAUL H. APPLEBY,  
Acting Secretary of Agriculture.

DECEMBER 4, 1940.

[F. R. Doc. 40-5315; Filed, December 4, 1940;  
11:47 a. m.]

#### Surplus Marketing Administration.

[Docket No. A-150 O-150]

#### NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Whereas pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended

by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas the Secretary of Agriculture of the United States has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to such handling of Irish potatoes, grown in Malheur County, Oregon, and in the counties of Adams, Valley, Lemhi, Clark, and Fremont in Idaho and all of the counties in Idaho lying south thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce:

Now, therefore, pursuant to the aforesaid act and said General Regulations, notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order, regulating the handling of Irish potatoes grown in the above-designated counties in Idaho and Malheur County, Oregon, in the Courtroom, Bonneville County Courthouse, Idaho Falls, Idaho, on December 19, 1940, at 9:30 a. m., m. s. t., and in the American Legion Hall, Twin Falls, Idaho, on December 21, 1940, at 9:30 a. m., m. s. t.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation, in order to effectuate the declared policy of the act, and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each provides, in similar terms, a plan for the regulation of such handling of Irish potatoes grown in the aforesaid counties in Idaho and Malheur County, Oregon, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce. Among other matters relating to such regulation, the proposed marketing agreement and order provide for (a) the establishment of an Administrative Committee consisting of grower members and handler members; (b) levying of assessments to cover expenses of the Administrative Committee; (c) regulation of shipments by grades, sizes, and quality, or combinations of grades, sizes, and quality; (d) inspection of shipments by an authorized representative of the Federal-State Inspection Service; and (e) reports by handlers to the Administrative Committee.

It is hereby declared that an emergency exists in the handling of Irish potatoes grown in the aforesaid area which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreement and the proposed order may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310, South Building, Washington, D. C., or may be there inspected.

[SEAL] PAUL H. APPELBY,  
Acting Secretary of Agriculture.  
DECEMBER 4, 1940.

[F. R. Doc. 40-5316; Filed, December 4, 1940;  
11:47 a. m.]

## DEPARTMENT OF COMMERCE.

### Civil Aeronautics Authority.

[Docket No. 511]

#### APPLICATION OF PAN AMERICAN AIRWAYS COMPANY (NEVADA)

##### NOTICE OF HEARING

In the matter of amendment of its existing certificate of public convenience and necessity under section 401 (h) of the Civil Aeronautics Act of 1938.

The above-entitled proceeding, being the application of Pan American Airways Company (Nevada) for an amendment to its existing certificate of public convenience and necessity so as to include Singapore, the Straits Settlements, as an additional terminal for a period of five years, is hereby assigned for public hearing on December 6, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Mayflower Hotel, Connecticut Avenue and DeSales Street NW., Washington, D. C., before Examiner Francis W. Brown.

December 2, 1940.  
By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,  
Secretary.

[F. R. Doc. 40-5302; Filed, December 4, 1940;  
9:29 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

[Administrative Order No. 76]

#### AUTHORIZATION OF BURTON E. OPPENHEIM TO ACT ON DECEMBER 6 AND DECEMBER 7, 1940 IN THE ABSENCE OF THE ADMINISTRATOR, THE DEPUTY ADMINISTRATOR AND THE ASSISTANT TO THE ADMINISTRATOR

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby authorize Burton E. Oppenheim, Director of the Industry Committee Branch, to act as Administrator and to exercise any or all of the powers of the Administrator under the Fair Labor Standards Act of 1938, on December 6 and December 7, 1940, in the absence of the Administrator, the Deputy Admin-

istrator and the Assistant to the Administrator.

This order shall be effective as of December 6, 1940.

Signed at Washington, D. C., this 3rd day of December, 1940.

PHILIP B. FLEMING,  
Administrator.

[F. R. Doc. 40-5322; Filed, December 4, 1940;  
11:57 a. m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Fair Labor Standards Act of 1938 are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940, (5 F.R. 3591)

Artificial Flowers and Feathers Learner Regulations, October 24, 1940, (5 F.R. 4203)

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940, (5 F.R. 3748)

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3530)

Independent Telephone Learner Regulations, September 27, 1940, (5 F.R. 3829)

Knitted Wear Learner Regulations, October 10, 1940, (5 F.R. 3982)

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940, (5 F.R. 3392, 3393)

Textile Determination and Order, November 8, 1939, (4 F.R. 4531) as amended, April 27, 1940, (5 F.R. 1586)

Woolen Learner Regulations, October 30, 1940, (5 F.R. 4302)

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 5, 1940. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Bond Stores, Incorporated, 283 Martin Street, Rochester, New York; Apparel; Men's & Boys' Clothing; 4 percent (75%

of the applicable hourly minimum wage); December 5, 1941.

Carlson Garment Company, 400 First Avenue, North, Minneapolis, Minnesota; Apparel; House Dresses; 2 learners (75% of the applicable hourly minimum wage); December 5, 1941.

Dublin Pants Shop, Dublin, Pennsylvania; Apparel; Woolen Trousers; 5 percent (75% of the applicable hourly minimum wage); December 5, 1941.

Gabriel Schwartz, 263 Chapel Street, New Haven, Connecticut; Apparel; Pajamas; 5 learners (75% of the applicable hourly minimum wage); December 5, 1941.

Garfall Brothers, 3 North Melcher Street, Johnstown, New York; Apparel; Leather Coats; 5 learners (75% of the applicable hourly minimum wage); December 5, 1941.

Goodman Brothers, Inc., 6 Whippany Street, Morristown, New Jersey; Apparel; Ladies' Slips and Gowns; 5 learners (75% of the applicable hourly minimum wage); December 5, 1941.

Hillsdale Manufacturing Company, Morse Street, Coldwater, Michigan; Apparel; Jackets, Mackinaws, and Leggings; 35 learners (75% of the applicable hourly minimum wage); April 24, 1941.

Jean Garment Company, 500 South Throop Street, Chicago, Illinois; Apparel; Rayon & Cotton Underwear; 3 learners (75% of the applicable hourly minimum wage); December 5, 1941.

I. B. Kleinert Rubber Company, 20-09 127th Street, College Point, New York; Apparel; Dress Shields, Garter Belts, Corsets, Girdles, etc.; 5 percent (75% of the applicable hourly minimum wage); December 5, 1941.

Lucas Manufacturing Company, Rear 420 Walnut Street, Columbia, Pennsylvania; Apparel; Children's Cotton Wash Dresses; 5 percent (75% of the applicable hourly minimum wage); December 5, 1941.

Majestic Pants Company, 69 Chestnut Street, Norwich, Connecticut; Apparel; Mixed Cotton and Wool Single Pants; 3 learners (75% of the applicable hourly minimum wage); December 5, 1941.

Mel-Tex Manufacturing Company, 532 South Throop Street, Chicago, Illinois; Apparel; Wash Dresses; 5 percent (75% of the applicable hourly minimum wage); December 5, 1941.

Pierson Manufacturing Company, 116 North 3rd Street, Quincy, Illinois; Apparel; Men's and Boys' Shirts, Pajamas and Wash Pants, and Wash Dresses; 40 learners (75% of the applicable hourly minimum wage); April 3, 1941.

Schaefferstown Garment Company, Schaefferstown, Pennsylvania; Apparel; Pajamas; 5 learners (75% of the applicable hourly minimum wage); December 5, 1941.

S. Silverman, 1107 Wyoming Avenue, Exeter Boro, Pennsylvania; Apparel; Aprons; 1 learner (75% of the applicable hourly minimum wage); December 5, 1941.

The Sistie Dress, Inc., 319 South Clinton Street, Syracuse, New York; Apparel; Infants' & Children's outerwear; 5 learners (75% of the applicable hourly minimum wage); December 5, 1941.

Wee Tog Manufacturing Company, Amber and Willard Streets, Philadelphia, Pennsylvania; Apparel; Children's Dresses; 5 percent (75% of the applicable hourly minimum wage); December 5, 1941.

West Shirt Company, Union, Mississippi; Apparel; Men's Dress Shirts; 35 learners (75% of the applicable hourly minimum wage); March 31, 1941.

NOTE: This Certificate inadvertently omitted in FEDERAL REGISTER for December 2, 1940. Effective date December 2, 1940.

Apex Florists' Supply Company, 921-23 North 5th Street, Philadelphia, Pennsylvania; Artificial Flowers and Feathers; Florist Supplies; January 16, 1941.

Rice-Bayersdorfer Company, N. E. cor. 13th & Callowhill Streets, Philadelphia, Pennsylvania; Artificial Flowers and Feathers; Wreaths; January 16, 1941.

Acme Glove Corporation, Gloversville, New York; Glove; Leather Dress Gloves; 11 learners; June 5, 1941.

Andre S. David & Associates Glove Corporation, Gloversville, New York; Glove; Leather Dress Gloves; 8 learners; June 5, 1941.

B. Z. B. Knitting Company, Rockford, Illinois; Hosiery; Full Fashioned; 5 percent; December 5, 1941.

Wm. L. Hyman Hosiery Mill, Locust Street, Ephrata, Pennsylvania; Hosiery; Seamless; 3 learners; December 5, 1941.

Merrill Hosiery Company, Perkinsville, New York; Hosiery; Full Fashioned; 5 learners; December 5, 1941.

Shannon Hosiery Mills, Inc., 1338 Talbotton Road, Columbus, Georgia; Hosiery; Full Fashioned; 5 percent; December 5, 1941.

Shannon Hosiery Mills, Inc., 1338 Talbotton Road, Columbus, Georgia; Hosiery; Full Fashioned; 20 learners; August 5, 1941.

Star Hosiery Mills, Inc., Conover, North Carolina; Hosiery; Full Fashioned; 5 learners; December 5, 1941.

Wadesboro Full Fashioned Hosiery Mill, Wadesboro, North Carolina; Hosiery; Full Fashioned; 20 learners; August 5, 1941.

Kelray Knitting Mills, 128 Wood Street, Reading, Pennsylvania; Knitted Wear; Ladies' Knitted Rayon Underwear; 5 percent; December 5, 1941.

Jeanne Tete, Inc., 20 West 57th Street, New York, New York; Millinery (Custom-Made Branch); Women's Hats, 3 learners; December 5, 1941.

Joe Cohn Hats, 1 West 59th Street, New York, New York; Millinery (Custom-Made Branch); Hats; 1 learner; December 5, 1941.

Globe Woven Belting Co., Inc., 1400 Clinton Street, Buffalo, New York; Textile, Cotton Conveyor belt and heavy webbings; 3 learners; December 5, 1941.

Monarch Textile Corporation, 206 Globe Mills Avenue, Fall River, Massa-

chusetts; Textile (Tufted Bedspread Branch); Bedspreads; 5 learners; December 5, 1941.

North Carolina Fabrics Corporation, Salisbury, North Carolina; Textile; Dye and finish rayon and acetate fabrics; 3 percent; December 5, 1941.

Signed at Washington, D. C., this 4th day of December, 1940.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 40-5323; Filed, December 4, 1940; 11:57 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5959]

APPLICATION OF BAY BROADCASTING CO., INC.  
(WBCM)

### NOTICE OF HEARING

Application dated, February 27, 1940; for modification of license; class of service, broadcast; class of station, broadcast; location, Bay City, Michigan; operating assignment specified: Frequency, 1410 kc.; power, 1 kw. night, 1 kw. day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of the application would be consistent with the standards of Good Engineering Practice.

2. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

3. To determine the nature and extent of any interference which would result to the service areas of WBCM, WROK, Rockford, Illinois, WHIS, Bluefield, West Virginia, and WAAB, Boston, Massachusetts, should station WBCM operate as proposed simultaneously with the other three stations.

4. To determine the nature and extent of any interference which would result from the granting of the application of station WBCM and the application (B2-P-2699) of station WHIS, or either of said applications.

5. To determine the area and population served by station WBCM as now operated, and the area and population the station would serve operating as proposed.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in

accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Bay Broadcasting Co., Inc.  
Radio Station WBCM,  
104 Center Avenue,  
Bay City, Michigan.

Dated at Washington, D. C., December 2, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-5312; Filed, December 4, 1940; 11:33 a. m.]

[Docket No. 5960]

APPLICATION OF DAILY TELEGRAPH  
PRINTING CO. (WHIS)

### NOTICE OF HEARING

Application dated, January 11, 1940; for construction permit; class of service, broadcast; class of station, broadcast; location, Bluefield, West Virginia; operating assignment specified: Frequency, 1410 kc.; power, 1 kw. night, 5 kw. day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of the application would be consistent with the Standards of Good Engineering Practice.

2. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

3. To determine the nature and extent of any interference which would result to the service areas of Stations WHIS, WBCM, Bay City, Michigan; WROK, Rockford, Ill.; WSFA, Montgomery, Alabama, and WAAB, Boston, Mass., should Station WHIS operate as proposed simultaneously with these stations.

4. To determine the nature and extent of any interference which would result from the granting of the application of Station WHIS and the applications of WBCM (B2-ML-973) and WSFA (B3-ML-971), or from the granting of the WHIS application and either of the other two applications.

5. To determine the area and population served by Station WHIS, as now operated, and to be served, if operated as proposed.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a

record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure. The applicant's address is as follows:

Daily Telegraph Printing Co.,  
Radio Station WHIS,  
412 Bland Street,  
Bluefield, West Virginia.

Dated at Washington, D. C., December 2, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-5313; Filed, December 4, 1940;  
11:34 a. m.]

[Docket No. 5961]

APPLICATION OF MONTGOMERY BROADCASTING COMPANY, INCORPORATED (WSFA)

#### NOTICE OF HEARING

Dated February 29, 1940; for modification of license; class of service, broadcast; class of station, broadcast; location, Montgomery, Alabama; operating assignment specified: Frequency, 1410 kc.; power, 1 kw. night, 1 kw. day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of the application would be consistent with the standards of Good Engineering Practice.
2. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.
3. To determine the nature and extent of any interference which would result to the service of WSFA and WHIS, Bluefield, West Virginia, should station WSFA operate as proposed simultaneously with station WHIS.
4. To determine the nature and extent of any interference which would result from the granting of the application of station WSFA and the applications (B3-P-2699) of station WHIS and (B3-P-2939) of station KMLB, or from the granting of the WSFA application and either of the other two applications.
5. To determine the area and population served by station WSFA as now

operated, and the area and population the station would serve operating as proposed.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Montgomery Broadcasting Co., Inc.,  
Radio Station WSFA,  
Jefferson Davis Hotel,  
Cor. Montgomery and Catoma  
Streets,  
Montgomery, Alabama.

Dated at Washington, D. C., December 2, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-5314; Filed, December 4, 1940;  
11:34 a. m.]

#### FEDERAL POWER COMMISSION.

[Docket No. DI-158]

IN THE MATTER OF NANTAHALA POWER AND LIGHT COMPANY

ORDER GRANTING PETITION FOR REHEARING

DECEMBER 3, 1940.

Upon consideration of the petition for a reconsideration and rehearing filed November 27, 1940, by Nantahala Power and Light Company, of Franklin, North Carolina, of the Commission's finding adopted November 5, 1940, that the interests of interstate commerce would be substantially affected by the construction and operation of the petitioner's proposed Fontana project on the Little Tennessee River in Swain and Graham Counties, North Carolina;

The Commission orders that:

A rehearing on the Commission's finding adopted November 5, 1940, be and it is hereby granted, such hearing to begin at 10:00 a. m., on the 15th day of January, 1941, in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-5307; Filed, December 4, 1940;  
10:56 a. m.]

#### FEDERAL WORKS AGENCY.

##### Public Works Administration.

[Administrative Order 297, supp. 6]

REORGANIZATION OF REGIONAL DIRECTOR'S OFFICES AND PWA REPRESENTATIVES' OFFICES; ABOLITION OF REGIONAL DIRECTOR'S OFFICE No. 1.

NOVEMBER 26, 1940.

1. Effective at the close of business November 30, 1940, the Regional Director's Office for Region No. 1 is abolished. The powers, functions and duties of the Regional Director for said Region are returned to the Commissioner of Public Works. The powers, functions and duties of the Administrative, Engineering, Finance and Legal Sections of said Regional Director's Office are placed in and shall be exercised and performed by the corresponding Divisions of the Central Office. The powers, functions and duties of the Regional Labor Adviser for said Regional Director's Office are placed in and shall be exercised and performed by the Assistant on Labor Relations.

2. The relationships that each of the respective above-named Divisions and the Assistant on Labor Relations shall bear one to the other and to the Commissioner of Public Works in the handling of matters from a Regional Office point of view shall be substantially the same as in the case of a Regional Director's Office.

3. All orders and parts of orders in conflict herewith are hereby rescinded.

J. J. MADIGAN,

Acting Commissioner of Public Works.

[F. R. Doc. 40-5292; Filed, December 3, 1940;  
2:31 p. m.]

[Administrative Order 298, Supp. 5]

REORGANIZATION OF REGIONAL PROJECT AUDIT OFFICE

NOVEMBER 26, 1940.

1. Effective at the close of business November 30, 1940, the Regional Audit Office for Region No. 1 is abolished and the powers, functions and duties of the Regional Project Auditor for said Office are placed in and shall be exercised and performed by the Chief Project Accountant, Division of Accounts.

2. In connection with the foregoing paragraph, attention is directed to Administrative Order No. 297 (Supplement 6).

3. All orders and parts of orders in conflict herewith are hereby rescinded.

J. J. MADIGAN,

Acting Commissioner of Public Works.

[F. R. Doc. 40-5293; Filed, December 3, 1940;  
2:31 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 7-467]

IN THE MATTER OF APPLICATION BY THE NEW YORK CURB EXCHANGE FOR UNLISTED TRADING PRIVILEGES IN INDIANAPOLIS POWER AND LIGHT COMPANY FIRST MORTGAGE BONDS, 3¼% SERIES, DUE MAY 1, 1970

## ORDER DISPOSING OF APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3d day of December, A. D. 1940.

The New York Curb Exchange, having made application to the Commission, pursuant to section 12 (f) (3) of the Securities Exchange Act of 1934 for permission to extend unlisted trading privileges to the First Mortgage Bonds, 3¼% Series, due May 1, 1970, of Indianapolis Power and Light Company; and

After appropriate notice,<sup>1</sup> a hearing having been held in this matter in Washington, D. C.; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, That the application of the New York Curb Exchange pursuant to Section 12 (f) (3) of the Securities Exchange Act of 1934 for permission to extend unlisted trading privileges to the First Mortgage Bonds, 3¼% Series, due May 1, 1970, of Indianapolis Power and Light Company, be and the same hereby is granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-5310; Filed, December 4, 1940;  
11:30 a. m.]

[File No. 59-6]

IN THE MATTER OF THE UNITED GAS IMPROVEMENT COMPANY, AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

## ORDER DISMISSING PARTIES FROM PROCEEDING

At a regular session of the Securities and Exchange Commission held at its

<sup>1</sup> 5 F.R. 4047.

office in the City of Washington, D. C., on the 3d day of December, A. D. 1940.

The Commission on March 4, 1940 having issued a Notice of and Order for Hearing pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 concerning the above-captioned matter, and on August 2, 1940 having issued a Supplemental Notice of and Order for Hearing<sup>1</sup> concerning said matter; and

Chester, Darby and Philadelphia Railway Company, Chester and Delaware Street Railway Company, Chester and Eddystone Street Railway Company, Chester and Media Electric Railway Company, The Chester Street Railway Company, Chester Traction Company, Union Railway Company of Chester, Pa., and Southern Pennsylvania Traction Company, having been designated as Respondents in the aforesaid proceeding by reason of their alleged status as subsidiaries of The United Gas Improvement Company; and

It appearing that The United Gas Improvement Company, one of the Respondents in the above-entitled proceeding, on November 28, 1940, filed a Supplemental Answer to said Notice of and Order for Hearing in which it is alleged that the Respondents named hereinabove have been dissolved pursuant to appropriate legal proceedings had under the Statutes of Pennsylvania, which proceedings were duly consummated on October 3, 1940, and affidavits of dissolution having been filed in support of such allegations;

It is hereby ordered, That Chester, Darby and Philadelphia Railway Company, Chester and Delaware Street Railway Company, Chester and Eddystone Street Railway Company, Chester and Media Electric Railway Company, The Chester Street Railway Company, Chester Traction Company, Union Railway Company of Chester, Pa., and Southern Pennsylvania Traction Company be, and they hereby are, dismissed as parties in the above-captioned matter.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-5311; Filed, December 4, 1940;  
11:30 a. m.]

<sup>1</sup> 5 F.R. 2762.

## UNITED STATES TARIFF COMMISSION.

## SUPPLEMENTAL INVESTIGATION AND HEARING ON COTTON

The United States Tariff Commission, on this 4th day of December, 1940, announces a supplemental investigation<sup>1</sup> under section 22 of the Agricultural Adjustment Act of 1933, as amended, and Executive Order No. 7233, of November 23, 1935, with respect to cotton having a staple of one and eleven sixteenths inches or more in length.

The object of the investigation is to determine whether the quotas on such cotton proclaimed by the President on September 5, 1939, must be continued in order to prevent imports from rendering or tending to render the cotton program ineffective. The Tariff Commission has received a communication from the National Defense Advisory Commission recommending that the quotas on cotton having a staple of 1½ inches or more in length be suspended for the duration of the defense emergency. The Secretary of Agriculture has concurred in this recommendation.

*Hearing.* All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held at the office of the Commission in Washington, D. C., at 10 a. m. on the 11th day of December, 1940.

*Nature of information at hearing.* Information submitted at the hearing must be relevant and material to the matters under investigation.

*Appearances at hearing.* Interested persons may appear at the hearing either in person or by representative; if several persons have a joint interest in the subject, it is suggested that effort be made for the designation of a representative in order to avoid unnecessary repetition of testimony.

[SEAL] SIDNEY MORGAN,  
Secretary.

DECEMBER 4, 1940.

[F. R. Doc. 40-5321; Filed, December 4, 1940;  
11:52 a. m.]

<sup>1</sup> No. 1.

